EASTERN

1

1944

F.O.
371

File No. 3291

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1

1944

E

PALESTINE & TRANSJORDAN

E 3291

1 Jun 1944

2

Registry Number } E 3291/3291/31

FROM Colonial Office (communicated)

No.

Dated

Received in Registry } 1st June 1944

E : Palestine & Transjordan

Military installations at Aqaba and Naqb Ashtar.

Copy of Palestine telegram No. 688 dated 27th May referring to Colonial Office despatch No. 22 (Trans Jordan) dated 2nd November, 1943, and reporting proposals for liquidation of military installations at Aqaba and Naqb Ashtar, which are no longer required for military purposes.

Last Paper.

E6678/4994/31 - 1943

References.

E6678/4994/31 (43)

(Print.)

(How disposed of.)

40153

(Action completed.)	(Index.)
7 RC 4/6	8 CG 6/6

Next Paper.

E3360.

(Minutes.)

The High Commissioner's proposal seems to meet the case; but I don't think the F.O. are concerned in this.

5/6

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3 Suda

E 3291
1 JUN 1944

INWARD TELEGRAM

Cypher (O.T.P.)

FROM PALESTINE (Sir H. MacMichael)

TO S. OF S., COLONIES.

D. 27th May, 1944.
R. 27th " " 22.45 hrs.

IMPORTANT
No.688 Secret.

Your Trans-Jordan despatch No.22 of 2nd November, 1943, regarding military installations at Aqaba and Naqb Ashtar.

These installations are no longer required for military purposes and the Army wish to arrange for the immediate Liquidation of their commitments at both places.

2. It has been agreed, in discussions with the military authorities, that, as the claim of the Trans-Jordan Government to the eventual ownership of these works is merely dormant, any action taken now towards dismantling or disposing of them would immediately lead to the revival of the claim. Therefore, the decision of H.M. Government on the principle of the claim must be taken now if the military are to carry out their present plans and cannot be postponed until the end of the war as was contemplated.

3. I agree with this conclusion and do not consider that there would be any justification for the continued expense of maintenance of and guarding such works as would serve no further useful war-time or post-war purpose.

4. Works at Aqaba, which may be of future value to Trans-Jordan, are harbour installations, transit sheds, hospital buildings, part of water supply and fisheries jetty (also required in connection with the Palestine Government Aqaba Fisheries Scheme). All other works

at

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at Aqsba and all those at Naqb Ashtar are superflucus. Nor is the Trans-Jordan Government in a position to take over and maintain more than the works specified above.

5. There are two alternatives or combination of both for disposing of the superfluous works:-

(i) For the Army to dismantle them and remove the material for use elsewhere.

(ii) For the contractor to dismantle and dispose of the material locally or remove it elsewhere.

Right of the War Department to the first alternative could be insisted upon (vide in this connection paragraph 4 of secret despatch No.22 of 2nd November, 1943), but the difficulty is that the Army do not think that value of (? part of) the material would justify the expenditure entailed in removal and, therefore, wish to dispose of it locally. It is the adopting of this alternative which would lead to friction with the Trans-Jordan Government in view of their dormant claim. See my secret despatch of 5th January, 1942.

6. I recommend that negotiations should be entered into with the Trans-Jordan Government to secure agreement whereby useful works at Aqaba should be made over to that Government free of charge and that the Army should be free to dispose of the remainder, subject to payment of import duty by purchasers on any material disposed of locally.

7. Justification for making no charge for useful works is the fact that the Trans-Jordan Government still depends on a grant-in-aid from H.M. Government and would have no other source from which to find funds for payment to the War Department

8. Arguments to be used in the negotiations would be:-

(a) Absolute right of the War Department to take away all its property if it is desired to do so.

(b) Uselessness for any post-war purpose of the greater part of the works.

(c)

(c) Inability of the Trans-Jordan Government to guard and maintain the whole of the works under consideration.

(d) The fact that, if the Trans-Jordan Government took over the whole merely in order to obtain the value of the recoverable material, the benefit would ultimately be to H.M. Government, as all Government assets reduce assistance required through grant-in-aid.

9. Question of the railway to Naqb needs separate treatment, as Hejazi railway materials remain part of H.M. Government's trust, pending final determination of owner of line. Points which were provided by the War Department and are not a Hejazi Government property will be recovered and used elsewhere.

Army also propose to remove transit sheds from Naqb in the near future.

10. Military authorities are simultaneously sending communication on this question, the terms of which have been agreed by me, to G.H.Q., Middle East Forces. They are anxious to have early decision.

Copies sent to:-

Foreign Office	-	Mr. H.M. Eyres.
War Office	-	Mr. C.M. Fife.
Treasury	-	Mr. R.L.M. James.

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2

1944

E

PALESTINE & TRANSJORDAN

6

E 3360

6 JUN 1944

Registry Number } E 3360/3291/31

FROM War Office, (communicated).

No.

Dated

Received in Registry } 6th June, 1944

E: Palestine and Transjordan

Liquidation of military installations at Aqaba and NAQB Ashtar.

Copy of Commander in Chief Middle East telegram No. Q(P)07258 of 1st June to War Office referring to latter's telegram No. 89075. Question of disposal has been discussed with High Commissioner who considers dismantling installations would result in revival of claim by Transjordan Government. Gives details of installations to which Transjordan Government would wish to lay claim, and submits suggestions for disposal of remaining property. Recommends decision on principle of claim to eventual ownership be taken by Colonial Office now.

Last Paper.

E3291

References.

(Print.)

(How disposed of.)

(Minutes.)

See E. 3291.

9/6

See within:-

1) W.O. comm'd. tel to C in C. Middle East no 59783.

2) .. .. (C in C M. East Q(P)31965. July 18) July (3)

E 3291

3) .. .. (to C in C Middle East. 63958 July 28)

(Action completed.)

JPE 8/6

(Index.)

DOE 9/6

31/7 3/4

Next Paper.

E 4168

26513 F.O.P.

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enter 7

SECRET CIPHER TELEGRAM

142952

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(Messages marked O.T.P. need not be paraphrased).

E 3360

From: C. in C. Middle East
Recd. 1115 1 June 44
To: The War Office

IMMEDIATE SECRET

Q(P)/07258 cipher 1 June

W1 Your 89075 (Q(Ops)1) 23 Apr

Subject liquidation Aqaba and NAQB Ashtar.

First. Whole question of disposal has been fully discussed with High Commissioner who considers Transjordan Govt claim to eventual ownership only dormant and that dismantling installations would result in revival of claim.

Second. Interest of Transjordan Govt likely to be confined to following. All at Aqaba Harbour installations transit shed hospital buildings part water supply. Jetty.

Third. All other WD property at Aqaba and NAQB Ashtar not likely to be required by Transjordan Govt who are not (rpt not) in position to maintain

Fourth. Two alternatives exist for disposal third above.

A. WD to dismabtle and back load recoverable stores of value.

B. WD to dispose locally by sale or contract.

Fifth. Backloading of stores with exception of sectional sheds and turnouts NAQB Ashtar uneconomical and impolitic.

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8

Sixth. Disposal of surplus stores locally most economical alternative but would result in revival of claim and will prejudice negotiations. Also contrary to Colonial Office ruling vide despatch No 22 of 2 Nov 43.

Seventh. In view above recommend decision on principle of claim to eventual ownership be taken by Colonial office now and agreement secured as under.

A. Buildings and installations at Aqaba vide second above be made over at once to transjordan Govt free of charge.

B. WD to dismantle buildings not required by Transjordan Govt and backload stores where economically possible.

C. WD to dispose of surplus stores locally in best interests of WD.

Eighth. All above agreed by High Commissioner who has notified Colonial Office in his cable 688 of 27 May.

Ninth. Would point out that WD property at Aqaba and Naqb Ashtar is of very small extent and financial value in relation to Mideast resources as a whole but is of disproportionate importance to Transjordan. Would therefore press for early settlement to enable us to liquidate this commitment and withdraw personnel earliest.

C.6.Tels. T.O.O. 0835 C.

/Distribution

To:- Q(Ops)4 (for action)

Copies to:-

D.M.O.
M.O.1, 5.
M.I.2, 10, 17.
Q.M.G.
V.Q.M.G.
Brig. Q(Ops).
Q(Ops)4 (6).
E-in-C.
D.E-in-C.(Ops).
E.5, 7.
Brig. Q(AE).
Q(AE)2.
D.Tn.
D.D.Tn.(O).
Tn. 1 (3).
Tn. 2.
D.D.F.Mov. (M).
Q(M)3, 9.
D.F.(a), (c).
F.1.
W.F.
Q.M.G.F.
I. of C. Claims Commission.
Colonial Office, Sir Bernard Reilly.
Foreign Office, Mr. Eyres.
Treasury, Mr. James.

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enter 10

SECRET CIPHER TELEGRAM

3360 2291 31

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From: War Office Desp. 0400 14 Jul.44.

To: C. in C. Middle East.

No: 59783 cipher Q(Ops)4 13 July 44.

SECRET: Your Q(P)07258 cipher 1 June.

Liquidation MAAN-AQABA L of C . Are supporting your recommendation for early disposal W.D. assets . To assist in obtaining decision cable soonest details Army personnel and stores released if disposal agreed .

C.6.(Tels).

Distribution:- T.O.O. Nil. B/13.

DMO
MO1. 5.
MI 2. 10. 17.
SD2
QMG
VQMG
Brig Q(Ops)
Q(Ops)4 (4)
E in C
DE in C
E5. 7.
Brig Q(AE)
Q(AE)2

DTn
DDTn
Tn1 (3)
Tn2
DDFMov(M)
Q(M)3. 9.
DF(a) (c)
F1
WF
QMGF
I of O Claims Commission
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Foreign Office Mr Eyres
Treasury Mr James

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11

SECRET CIPHER TELEGRAM

456574

E 3360/3291/31

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From:- C in C Middle East.

Recd 2015 18 Jul 44

To:- The War Office

Q(P)21968 cipher 18 Jul

SECRET

Your 59783 (Q(Ops)4) 13 Jul

Subject liquidation MAAN-AQABA L of C. If disposal agreed following would be released. Personnel Army 33 Arab Legion 200 recoverable stores 500 tons.

T.O.O. 1210C.

C.6. (Telegrams)

To:- Q(Ops)4 (for action).

Copies to:-

D.M.O.	D.Tn.
M.O.1.5.	D.D.Tn.
M.I.2.10.17	Tn.1.(3) 2.
S.D.2	D.D.F.Mov (M)
Q.M.G.	Q(M)3. 9
V.Q.M.G.	D.F.(a) (c)
Brig. Q(Ops)	F.1.
Q(Ops)4 (4)	W.F.
E. in C.	Q.M.G.F.
D.E. in C.	I of O Claims Commission
E.5.7.	Colonial Office (Sir Bernard Reilly)
Brig. Q(AE)	Foreign Office (Mr. Eyres)
Q(AE)2	Treasury (Mr. James)

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8317/5021 350M 4/44 LSB Gp. 38.
13861/5247 350M 5/44 LSB Gp. 38.
17462/5391 350M 5/44 LSB Gp. 38.

Mr Wilkish. 12

SECRET CIPHER TELEGRAM

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From: War Office (Messages marked O.T.P. need not be paraphrased).

To: C.in C. Middle East.

Desp. 2350 29 Jul 44

63958 cipher (W.F) 28 Jul.

E 3360/3291/31

3360 3291 31

Your Q.(P) 07258 cipher 1 June.
RESTRICTED.

ONE LIQUIDATION MAAN-AQABA further discussed departments here (.)

TWO Assets of interest to Transjordan Government (.) Decided as policy there should be financial adjustment even if met by Colonial Vote of Credit in first instance(.)

THREE For assessment of price forward estimates (a) original cost these assets including cost construction and value labour (b) allowance which should now be made depreciation (c) estimate price to outside purchasers (.)
Director hirings view appreciated and General Coles, I of L, if possible(.)

FOUR Other assets THIRD of yours of 1st June (.) Backload stores where economical(.) Sell remainder after consultation MESC to best advantage, outside Transjordan if economical(.)
General principles Camer.73. of 9th April will apply(.)
Report results(.)

FIVE Import duty question still under consideration(.)

SIX Reduce personnel to minimum care and maintenance basis(.)

SEVEN Above agreed Colonial Office who are cabling High Commissioner(.)

C.6.Tels.

T.O.O. 1600.B/28.

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12-A

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E.5, 7.
Brig. Q(AE).
Q(AE)2.
D.D.tn.(O)
Tn. 1 (3)
Tn. 2.
D.D.F.Mov (M)
Q(1)3, 9.
D.F.(a), (c).
F.1.
W.F.
Q.M.G.F.
I. of O. Claims Commission
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3

1944

E

PALESTINE & TRANSJORDAN

E 4168

13

E 18 JUL 1944

Registry Number } E 4168/3291/31

FROM Colonial Office, (communicated).

No.

Dated -

Received in Registry } 15th July, 1944

E: Palestine and Transjordan

Military installations at Aqaba and Naqb Ashtar.

Copy of telegram to Palestine No. 865 dated 12th July referring to Palestine telegram No. 688 dated 27th May (E 3291/3291/31) enquiring whether buildings and other immovable property would normally belong to land-owner under Trans-Jordan law; whether any movable property is involved, and whether import duty could legally be demanded from purchasers and, if so, under what law.

Last Paper.

E 3360

References.

1940 - E 3/325 and file.
1941 - file 189.
E 8215/-/31
1942 - E 965/-/31.
1944 - R 1561/128/25.

(Print.)

(How disposed of.)

(Minutes.)

We must ask for proof that the land claim again.

I think that when some of these women were first met with, we mentioned the fact to the Sand. I remember that Young once saying that the Sand welcomed the development of Aqaba but at the same would maintain the status of the land when it reverted to him.

Perhaps there will be some fresh evidence in the papers mentioned in E 7450/189/31 of 1941

The Sand's claim is a very weak one, I believe. 19/7

1) C.O. tel to Palestine 940 of July 28. 1/8.

(Action completed.)

Kml 27/7

(Index.)

D 31.

Next Paper.

E 4960

F26513 F.O.P.

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OUTWARD TELEGRAM

E 4168
15 JUL 1944

79256/44

Cypher (O.T.P.)

TO PALESTINE (Sir H. MacMichael)

FROM S. OF S., COLONIES.

Sent 12th July, 1944. 18.00 hrs.

No. 865 Secret.

Your telegram No. 688.

I assume that military installations in question are located on land belonging to Trans-Jordan Government. If so, I shall be glad of your advice as to whether buildings and other immovable property would normally belong to land-owner under Trans-Jordan law.

2. I am not clear whether any movable property is involved. If it is, I presume land-owner would have no legal claim to it.

3. With reference to paragraph 6 of your telegram please state whether import duty could legally be demanded from purchasers, and, if so, under what law.

Copies sent to:-
Foreign Office - Hon. R.M.A. Hankey.
War Office - Mr. C.M. Fife.
Treasury - Mr. R.L.M. James.

INDEXED

15 entire

OUTWARD TELEGRAM

4168 3291 31

79255/44

Cypher (O.T.P.)

TO PALESTINE (Sir H. MacMichael)

FROM S. OF S., COLONIES.

Sent 28th July, 1944. 16.15 hrs.

No. 940 Secret.

Your telegram No. 688, paragraph 6, Aqaba.

War Office see objections to transfer of works to Trans-Jordan Government free of charge and consider that normal practice in such cases should be followed, namely that Trans-Jordan Government should purchase such works as they desire at figure to be agreed. It is realised that in present financial position of Trans-Jordan it must rely on grant-in-aid from His Majesty's Government for provision of funds for this purpose, but it is nevertheless felt that it is important to maintain principle involved, as between War Department and Trans-Jordan Government.

2. I incline to opinion that War Office view should be accepted, but shall be glad to have any comments you may wish to make. Meanwhile War Office are examining question of sums involved in sale of works at Aqala to Trans-Jordan Government, and I shall inform you of result of their enquiries.

Copies sent to:-
Foreign Office – Hon. R.M.A. Hankey.
War Office – Mr. C.M. Fife.
Treasury – Mr. R.I.M. James.

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4

E

16

E 4960
17 AUG 1944

Registry Number E 4960/3291/31

FROM Colonial Office (Communicated)

No.

Dated 13th Aug., 1944.

Received in Registry 17th Aug., 1944.

E:Palestine and Transjordan.

Military installations at Aqaba and Ashtar.

Transmits copy of telegram No. 43 from Transjordan of 13th August referring to Colonial Office telegrams 865 and 940 (E 4168/3291/31). Confirms that military installations are located on land belonging to Transjordan Government.

Discusses the question of whether the works can be transferred and states the legal aspect of the case. Suggests a possible solution to be put to the Transjordan Government.

Last Paper.

E4168

References.

(Print.)

(How disposed of.)

(Action completed.)

Kwb 21/8

(Index.)

Next Paper.

(Minutes.)

E. 19/8.

27437 F.O.P.

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E 4960
17 DEC 1944

INWARD TELEGRAM

Cypher (O.T.P.)

FROM TRANS-JORDAN (Sir H. MacMichael)

TO S. OF S., COLONIES.

D. 15th August, 1944.
R. 13th " " 02.00 hrs.

No. 43 Secret.

Your telegrams Nos. 865 and 940. (to Palestine)

Military installations (corrupt group).

1. I confirm that the military installations in question are located on land belonging to the Trans-Jordan Government. Legal position as regards movable and immovable property under Trans-Jordan law is that if a person builds on State domain, either as a trespasser or with tacit authority, the State may compel him to demolish the buildings, and to remove the materials which remain his property. If the buildings cannot be removed without damaging the land, they can be taken by the State on payment of the demolition value of materials. In the present instance, assent of Trans-Jordan Government was not tacit, but was given on the understanding that

(a) no claim would be raised against the Trans-Jordan Government, at any time, in respect of cost of undertakings; and

(b) at the end of the war, works would remain the property of the Trans-Jordan Government. (see paragraph 4 of my secret despatch of 20th November, 1941).

2. Payment of import duty is governed by Article 48 of the Customs and Excise Law 1,926 (Seton, Page 119).

/Although

Copies sent to:-
Foreign Office - Hon. R.M.A. Hankey.
War Office - Mr. C.M. Fife.
Treasury - Mr. R.L.M. James.

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18 END

Although, in this case, liability for payment of duty rests on the British Army under the law, it is customary in such cases for the conditions of sale to provide for payment of duty by the purchaser.

3. As regards transfer of works to the Trans-Jordan Government, it must be remembered that the assent of the Trans-Jordan Government to the execution of the work in question was subject to the two conditions cited in paragraph 1 above, and it is clear that their intention was that the works should pass into their possession at the end of the war without any payment being made.

4. Possible solution might be to explain to the Trans-Jordan Government that any transfer of military works to another Government without payment would create a precedent embarassing to His Majesty's Government and that, in the circumstances, it would be appreciated, if they would accept arrangement whereby payment was made to the War Department in respect of military installations at Aqaba with funds provided to the Trans-Jordan Government for this purpose through grant in aid. This would avoid the creation of an awkward precedent from the point of view of His Majesty's Government and, at same time, secure for the Trans-Jordan Government reversion of works in question without cost to the Trans-Jordan public. I recommend that British Resident be authorised to put this suggestion to the Trans-Jordan Government.